

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCRA NO. 107 OF 2019

JOSEPH MUTUA MUKUKU.....APPELLANT

-VERSUS-

REPUBLIC.....RESPONDENT

(Being an appeal from the judgement on conviction and sentence in Criminal Case No. 16 of 2015 at Makueni Law courts delivered by Hon. J. Mwaniki (SPM))

RULING

1. The Appellant/ Applicant was charged with others for robbery with violence contrary to Section 296(2) Criminal Procedure Code vide Makueni SPM Criminal Case No. 16/2015. They denied the charge. After a full hearing they were found guilty and convicted on a lesser offence of grievous harm contrary to Section 234 of the Penal Code. They were each fined Kshs.50,000/= in default two (2) years imprisonment.
2. The record shows that the Appellant and his co-accused were on bond during the hearing in the lower court. They faithfully attended court.
3. I have checked the record and found that the lower court original file and typed proceedings are already in the file. What is left is for the record of appeal to be prepared.
4. I am therefore satisfied that the appeals will be heard within the shortest time possible.
5. I have equally considered the evidence on record and all I can say for now is that the Appellants have an arguable appeal.
6. The application for bond pending appeal is therefore allowed. The Appellant/Applicant to be released on a bond of Kshs.50,000/= with a surety or cash bail of Kshs.20,000/= to appear. If the earlier cash bail has not been refunded, then they may be released on the said cash bail. These orders are to apply to **HCRA No. 111 of 2019 Joseph Kimilu Muendo, HCRA 112 of 2019 Dominic Nyamasyo Mutua, and HCRA 113 of 2019 James Muli Kimilu.**

Orders accordingly.

DELIVERED, SIGNED & DATED THIS 2ND DAY OF JULY 2019, IN OPEN COURT AT MAKUENI.

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H. I. ONG'UDI

JUDGE